

Tara Daniels  
31 Butternut Street  
Middletown, CT 06457

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut  
Department of Public Health

vs.

Tara Daniels, LPN  
Licensed Practical Nurse License No. 022389  
Respondent.

CASE PETITION NO. 940803-11-033

**MEMORANDUM OF DECISION**

**PROCEDURAL BACKGROUND**

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges dated October 5, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Tara Daniels (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated November 15, 1995 scheduling a hearing for February 21, 1996 (Department Exhibit 1). The hearing was continued and took place on June 5, July 24, August 28 and October 9, 1996, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

During the hearing on June 5, 1996 the Department presented a First Amended Statement of Charges. (Department Exhibit 1)

During the hearing on July 2, 1996 the Respondent made an oral motion to sequester witnesses. Following oral argument the Board granted the Respondent's motion. (Hearing Transcript, July 24, 1996, pp. 4-8)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

### **FACTS**

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Tara Daniels, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 022389 on December 1, 1987. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 2)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all lawful requirements for the retention of her license. (Department Exhibit 1)
3. The Respondent was given due notice of the hearing and charges against her. Department Exhibits 1 and 3 indicates that the Statement of Charges, Notice of Hearing, First Amended Statement of Charges and Notice of Continuance of Formal Hearing were delivered to the Respondent and/or her attorney by certified mail.
4. The Respondent was present on all hearing dates and was represented by counsel.
5. The Respondent submitted an answer to the Statement of Charges. (Department Exhibit 1)

6. Pursuant to a Memorandum of Decision dated December 5, 1991, the licensed practical nurse license of the Respondent was reprimanded and placed on probation until July 1, 1992 for failing to maintain an appropriate nurse-patient relationship and for engaging in sexual contact with a patient. (Department Exhibit 8)
7. The Respondent is also known as Tara Jacobucci. (Hearing Transcript, July 24, 1996, p. 112) (Hearing Transcript, October 9, 1996, p. 76)
8. From on or about September 7, 1993 to July 14, 1994, the Respondent was employed as a licensed practical nurse at Cromwell Crest Convalescent Home, Cromwell, Connecticut. (Department Exhibit 6, pp. 2, 18, 21)
9. On or about September 13, 16, 22, 25, 1993 and October 13, 1993, while working as a licensed practical nurse at Cromwell Crest Convalescent Home, the Respondent failed to document the destruction of Duragesic patches (a schedule II controlled substance) and/or failed to have such destructions witnessed and cosigned by another nurse. The Duragesic was prescribed for patients Ida Janowski and/or Dorothy Ingraham. (Department Exhibits 9-p. 9, 10) (Hearing Transcript, July 24, 1996, pp. 136-141) (Hearing Transcript, August 28, 1996, pp. 6-8) (Hearing Transcript, October 9, 1996, p. 54)
10. The Respondent had knowledge of the proper procedures for the destruction of controlled substances. (Hearing Transcript, October 9, 1996, pp. 82-84)
11. On or about October 24, 1993, while on duty as a licensed practical nurse at Cromwell Crest Convalescent Home, the Respondent engaged in inappropriate sexual contact with a male visitor. That said conduct occurred inside the front entrance to the facility. The front entrance to the facility is in plain view of patients, staff, and visitors. (Department Exhibit 6-pp. 8, 14-16) (Department Exhibit 9 - item 15) (Hearing Transcript, June 5, 1996, pp. 35-36) (Hearing Transcript, July 24, 1996, pp. 123-125) (Hearing Transcript, August 28, 1996, pp. 66, 75-76)

12. On or about January 27, 1994 while working as a licensed practical nurse at Cromwell Crest Convalescent Home, the Respondent left a 40mg tablet of Lasix at the beside of a patient. The patient did not have physician orders for self administration of medications, and the medication order for Lasix was for 20mg not 40mg. (Department Exhibit 6-p. 7) (Hearing Transcript, July 24, 1996, pp. 72-73, 88) (Hearing Transcript, October 9, 1996, pp. 93-95)
13. On or about February 23, 1994, while on duty as a licensed practical nurse at Cromwell Crest Convalescent Home, the Respondent left the medication room and medication cart unlocked and unattended. (Department Exhibit 6 - p. 6) (Hearing Transcript, July 24, 1996, pp. 67-68) (Hearing Transcript, August 28, 1996, pp. 29-33)
14. At various times during 1993 and/or 1994, while on duty as a licensed practical nurse at Cromwell Crest Convalescent Home, the Respondent used profanity while talking on the telephone at the nurses station. (Department Exhibits 6-pp. 5, 11 and 9-p. 1) (Hearing Transcript, June 5, 1996, pp. 33-35) (Hearing Transcript, July 24, 1996, pp. 63-65)
15. On or about July 2, 1994, while working as a licensed practical nurse at Cromwell Crest Convalescent Home, the Respondent verbally abused patient Virginia LaVallee. (Respondent's Exhibit A) (Hearing Transcript, June 5, 1996, pp. 27-28)
16. On or about July 2, 1994, while working as a licensed practical nurse at Cromwell Crest Convalescent Home, the Respondent, with excessive force and in an uncontrolled manner, pushed a wheelchair in which patient Virginia LaVallee was seated. (Department Exhibits 4, 5 and 7) (Hearing Transcript, July 24, 1996, pp. 98-103)

#### DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Tara Daniels held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The FIRST COUNT of the First Amended Statement of Charges alleges that on or about July 2, 1994, while working as a licensed practical nurse at Cromwell Crest Convalescent Home, Cromwell, Connecticut, the Respondent verbally abused resident Virginia LaVallee and also used excessive force with this resident when she shoved a wheelchair with Ms. LaVallee seated in it, in an uncontrolled manner, down the corridor.

The Respondent denies these charges. (Hearing Transcript, October 9, 1996, pp. 29-33)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in performing usual nursing functions...."

Based on its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that Respondent's conduct as alleged in the First Count of the Statement of Charges is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT PARAGRAPH 6 of the First Amended Statement of Charges alleges that while working as a licensed practical nurse at Cromwell Crest Convalescent Home, Cromwell, Connecticut, the Respondent, on or about February 23, 1994, left the medication room and cart unlocked and unattended.

The Respondent admits she left the medication room unlocked but denies the medication cart was unlocked. (Hearing Transcript, October 9, 1996, pp. 46-47)

The SECOND COUNT PARAGRAPH 7 of the First Amended Statement of Charges alleges that while working as a licensed practical nurse at Cromwell Crest Convalescent Home, Cromwell, Connecticut, the Respondent, on or about January 27, 1994, left medication with a resident who did not have self-medication privileges, and/or gave 40mg of Lasix to a resident who had an order for 20mg of Lasix.

The Respondent admits she left medication with a resident who did not have self-administration privileges. She neither admits or denies that she gave 40mg of Lasix to a resident who had an order for 20mg. (Hearing Transcript, October 9, 1996, pp. 93-95)

The SECOND COUNT PARAGRAPH 8 of the First Amended Statement of Charges alleges that while working as a licensed practical nurse at Cromwell Crest Convalescent Home, Cromwell, Connecticut, the Respondent, on or about September 10, 13, 16, 22, 25, 1993 and October 13, 1993, failed to document the destruction of Duragesic patches removed from patients Ida Janowski and Dorothy Ingraham and/or failed to have such destruction witnessed and cosigned.

The Respondent admits the destruction of Duragesic patches were not cosigned but denies that the destructions were not witnessed. (Hearing Transcript, October 9, 1996, p.54)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in performing usual nursing functions...."

Based on its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that Respondent's conduct as alleged in the Second Count of the Statement of Charges, with the exception of paragraph 8 as it relates to September 10, 1993, is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The THIRD COUNT of the First Amended Statement of Charges alleges that at various times during 1993 and/or 1994, while working as a licensed practical nurse at Cromwell Crest Convalescent Home, Cromwell, Connecticut, the Respondent used profanity while talking on the phone at the nurses station. The Respondent denies these charges. (Hearing Transcript, October 9, 1996, p. 56)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession.

Based on its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that Respondent's conduct as alleged in the Third Count of the Statement of Charges is proven and that said conduct fails to conform to the accepted standards of the nursing profession. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The FOURTH COUNT of the First Amended Statement of Charges alleges that on or about October 24, 1993, while working as a licensed practical nurse at Cromwell Crest Convalescent Home, Cromwell, Connecticut, the Respondent engaged in inappropriate sexual conduct with a male visitor inside Cromwell Crest.

The Respondent admits to unprofessional conduct but denies that said conduct was of a sexual nature. (Hearing Transcript, October 9, 1996, pp. 79-80, 88)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession.

Based on its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that Respondent's conduct as alleged in the Fourth Count of the Statement of Charges is proven and that said conduct fails to conform to the accepted standards of the nursing profession. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

### **ORDER**

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count, Second Count, Third Count and the Fourth Count of the First Amended Statement of Charges, the Respondent's licensed practical nurse license, No. 022389, is placed on probation for a period of two (2) years.
2. That for the First Count, Second Count, Third Count and the Fourth Count of the First Amended Statement of Charges, the Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500.00).
3. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. The \$500.00 civil penalty shall be made by certified check made payable to "Treasurer, State of Connecticut" and shall be sent to the Board at the address listed in paragraph K. The civil penalty is payable on or before August 15, 1997.



- B. During the first year of the probationary period the Respondent shall complete a course of study in professional ethics. Said course must be approved by the Board prior to its commencement.
- C. Certification of the Respondent's successful completion of the course of study cited in paragraph B shall be submitted to the Board, directly from the educational institution where said course was taken, within thirty (30) days of the course completion.
- D. During the period of probation the Board shall pre-approve the Respondent's employment or change of employment within the nursing profession.
- E. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
- F. If employed as a nurse, the Respondent shall cause monthly employer reports to be submitted to the Board by her immediate nursing supervisor during the entire probationary period. Employer reports shall commence with the report due on the first business day of March 1997.
- G. The employer reports cited in paragraph F above shall include documentation of the Respondent's ability to safely and competently practice nursing. The employer reports shall address the Respondent's ability to properly administer and document the administration of medications; the Respondent's professional behavior; and the Respondent's ability to maintain patient safety. Employer reports shall be submitted directly to the Board at the address cited in paragraph K below.

- H. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- I. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- J. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- K. All correspondence and reports are to be addressed to:

**DEPARTMENT OF PUBLIC HEALTH  
BOARD OF EXAMINERS FOR NURSING  
LEGAL OFFICE - MONITORING & COMPLIANCE  
410 Capitol Avenue, MS #12LEG  
P. O. Box 340308  
Hartford CT 06134-0308**


- 4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that the Respondent has violated this Order will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to the Respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

5. This Memorandum of Decision becomes effective, and the two (2) year probation of the Respondent's registered nurse license shall commence, on February 15, 1997.

The Board of Examiners for Nursing hereby informs the Respondent, Tara Daniels, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 5th day of February 1997.

BOARD OF EXAMINERS FOR NURSING

By 

DANIELS.DOC